

**N. KEITH CHAMBERS**  
**EXECUTIVE DIRECTOR**

**IN THE MATTER OF:**

**Complainant,**

**v.**

**CONTINENTAL AIR TRANSPORT, INC.,  
a/k/a CATCO.**

**Respondent.**

[illegible]

ALS NO.: 08-056  
CHARGE NO.: 2007CA1384  
EEOC NO.: N/A

This matter is before me on my own motion, *sua sponte*, to close this file for lack of jurisdiction upon information from the Illinois Department of Human Rights (Department) that, at the time this matter appeared on the Commission records, the charge was pending before the Department on request for review proceedings.

The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter and is, therefore, named herein as an additional party of record.

The following facts were derived from the record.

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2. The Commission designated the Complaint as Charge Number 2007CA1384, and erroneously assigned ALS Number 08-062. The correct ALS Number that was actually assigned to Charge Number 2007CA1384 was 08-056 — *not* 08-062.
3. I requested advice from the Department as to the status of the three charge numbers in order to determine which charge, if any, was properly before the Commission. The Department filed a response on November 12, 2009. The Department put forth these facts:  
(a) Complainant filed a *Charge of Discrimination* with the Department on November 16, 2006 alleging Counts A, B, C, D, E, and F. The Department designated the charge as Charge Number 2007CA1384. (b) On January 24, 2007, Complainant filed an amendment to the November 16, 2006 charge. On August 29, 2007, the Department assigned Charge Number 2007CF3712 to the amended charge for Counts G, H, I and J. (c) The Department erroneously inscribed Complainant's amended charge as Charge Number 2007**CA**3712 (emphasis mine); however, the actual charge number should have been inscribed as 2007**CF**3712 (emphasis mine). (d) Charge number 2007CA3712 does not exist and is not an actual Department charge number. (e) Charge Number 2007CA1384 was currently pending on Request for Review proceedings at the time the Department advised on this matter in November, 2009. (f) Complainant filed a Complaint with the Commission on February 7, 2008 and indicated the Charge Number in the caption on the face of the Complaint as "2007CF3712 former Charge number 2007CA1384." (f) The Commission has jurisdiction with regard to Complainant's Complaint referencing Charge Number 2007CF3712; the Commission lacks jurisdiction with regard to Charge Number 2007CA1384, since a decision on request for review was currently pending with the Department; and any reference to Charge Number 2007CA3712 should be disregarded as erroneous.

### **CONCLUSION OF LAW**

The Illinois Human Rights Commission lacks jurisdiction over Charge Number 2007CA1384 designated Commission ALS Number 08-056.

### **DETERMINATION**

The Commission file ALS Number 08-056, that was assigned to Charge Number 2007CA1384, should be dismissed because Charge Number 2007CA1384 was under the Department's jurisdiction at the time the Commission erroneously assigned it an ALS Number.

### **DISCUSSION**

Complainant, on his own behalf, filed a Complaint with the Commission on February 7, 2008 and indicated two Charge Numbers, 2007CF3712 and 2007CA1384, in the caption on the face of the Complaint. Complainant alleged in the Complaint that the Department issued a *Technical Amendment* that corrected and changed the previously assigned Charge Number from 2007CA1384 to yet a third Charge Number, 2007CA3712.

The Commission erroneously designated the Complaint as Charge Number 2007CA1384, along with the Commission ALS Number 08-062. The Commission records also assigned ALS Number 08-056 to Charge Number 2007CA1384.

I requested advice from the Department as to the status of the three charge numbers in order to determine which charge, if any, was properly before the Commission. The Department filed a response on November 12, 2009. The Department put forth these facts: (a) Complainant filed a *Charge of Discrimination* with the Department on November 16, 2006 alleging Counts A, B, C, D, E, and F. The Department designated the charge as Charge Number 2007CA1384. (b) On January 24, 2007, Complainant filed an amendment to the November 16, 2006 charge. On August 29, 2007, the Department assigned Charge Number 2007CF3712 to the amended charge for Counts G, H, I and J. (c) The Department erroneously inscribed Complainant's amended charge as Charge Number 2007CA3712 (emphasis mine); however, the actual

charge number should have been inscribed as 2007CF3712 (emphasis mine). (d) Charge number 2007CA3712 does not exist and is not an actual Department charge number. (e) Charge Number 2007CA1384 was currently pending on Request for Review proceedings at the time the Department advised on this matter in November, 2009. (f) Complainant filed a Complaint with the Commission on February 7, 2008 and indicated the Charge Number as "2007CF3712 former Charge number 2007CA1384." (f) The Commission has jurisdiction with regard to Complainant's Complaint referencing Charge Number 2007CF3712; the Commission lacks jurisdiction with regard to Charge Number 2007CA1384, since a decision on request for review proceedings was currently pending with the Department; and any reference to Charge Number 2007CA3712 should be disregarded as erroneous.

Although both parties were allowed an opportunity to respond to the Department's advice, neither put forth any argument.

### **RECOMMENDATION**

Accordingly, I recommend that Commission ALS number 08-056 be dismissed without prejudice so as to allow the Department to continue its proceedings as to Charge Number 2007CA1384.

### **HUMAN RIGHTS COMMISSION**

**April 15, 2010**

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**SABRINA M. PATCH**  
**Administrative Law Judge**  
**Administrative Law Section**